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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mitsunobu SUDA

Group Art Unit: 2854

Application No.: 10/566,646

Examiner: L. HINZE

Filed: March 30, 2006

Docket No.: 126822

For: STAMP

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 2, 2008 Restriction Requirement, Applicant provisionally elects Group I, claims 12-15, 19 and 20, with traverse.

Applicants respectfully submit that there exists *a priori* unity of invention with respect to claims 12-29, by virtue of the fact that claims 13-29 variously depend from claim 12. As stated in Chapter 10.06 of the ISPE (*International Search and Preliminary Examination Guidelines*):

Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. By "dependent" claim is meant a claim which contains all the features of one or more other claims and contains a reference, preferably at the beginning, to the other claims and claims and then states the additional features claimed (Rule 6.4).

Therefore, each dependent claim shares at least each element or technical feature of independent claim 12. ISPE 10.07 further provides:

If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises

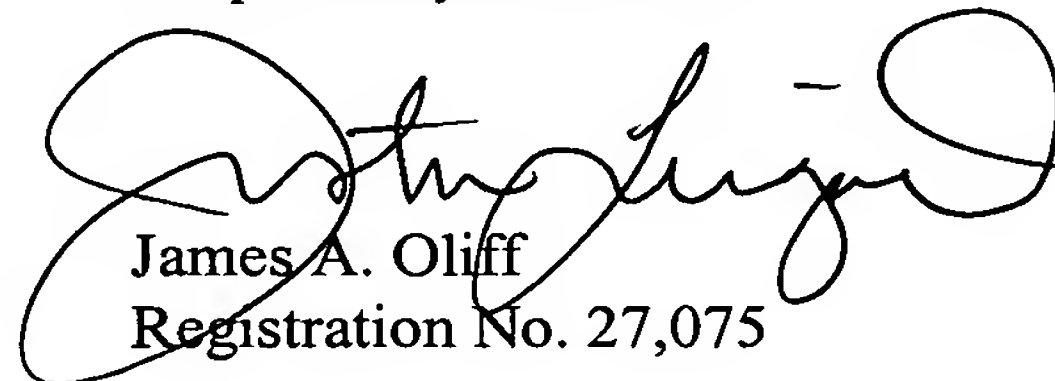
in respect of any claims that depend on the independent claims. In particular, it does not matter if a dependent claim itself contains a further invention.

Thus, for the present application, a lack of unity of invention may only be determined *a posteriori*, or in other words, after a search of the prior art has been conducted and it is established that all the elements of the independent claims are known. *See* ISPE 10.07 and 10.08.

The Office Action does not establish that each and every element of independent claim 12 is known in the prior art. Therefore, Applicant respectfully submits that lack of unity of invention has not been established, and thus a Restriction Requirement at this time is improper.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Justin T. Lingard
Registration No. 61,276

JAO:JTL/jls

Date: May 1, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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